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13  
14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN FRANCISCO DIVISION

17 UNITED STATES OF AMERICA, ) CR No. 03-07-70347 BZ  
18 Plaintiff, )  
19 v. ) STIPULATION AND [PROPOSED] ORDER  
20 GERALDO RODRIGUES, ) CONTINUING THE PRELIMINARY  
21 Defendant. ) HEARING AND EXCLUDING TIME  
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20 On January 16, 2008, when the parties last appeared on this matter, the Court set a further  
21 date of January 30, 2008 for a Preliminary Hearing / Arraignment. The parties now stipulate and  
22 request that the Court enter an Order that the Preliminary Hearing be removed from the January  
23 30, 2008 calendar and be continued until March 7, 2008 and that time should be excluded from  
24 the Speedy Trial Act calculations from January 30, 2008 through March 7, 2008 for effective  
25 preparation of counsel. The parties are discussing pre-trial resolution of this matter and require  
26 additional time for defense counsel to review discovery and for the parties to engage in  
27 meaningful discussions. Further, counsel for the defendant does not believe that it is within his

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1 client's best interest to hold a preliminary hearing within 20 days, pursuant to Fed. R. Crim. P.  
2 5.1(c),(d). The parties represent that granting this continuance is necessary for effective  
3 preparation of counsel to permit defense counsel to review discovery and to afford counsel time  
4 to discuss pre-indictment resolution, taking into account the exercise of due diligence. See 18  
5 U.S.C. § 3161(h)(8)(B)(iv).

6  
7 IT IS SO STIPULATED.

8 JOSEPH P. RUSSONIELLO  
9 United States Attorney

10 DATED: January 25, 2008

11 /s/  
12 DENISE MARIE BARTON  
13 Assistant United States Attorney

14 DATED: January 25, 2008

15 /s/  
16 RONALD C. TYLER  
17 Attorney for GERALDO RODRIGUES

18 **IT IS SO ORDERED.**

19 For the reasons stated above, the Preliminary Hearing shall be removed from the January 30,  
20 2008 calendar and be continued until March 7, 2008. The Court further finds that the ends of  
21 justice served by the continuance outweigh the best interests of the public and the defendant in a  
22 speedy trial and that time should be excluded from the Speedy Trial Act calculations from  
23 January 30, 2008 through March 7, 2008 for effective preparation of counsel. See 18 U.S.C.  
24 §3161(h)(8)(A). The failure to grant the requested continuance would deny the defendant  
25 effective preparation of counsel, taking into account the exercise of due diligence, and would  
26 result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

27 DATED: \_\_\_\_\_

28 HONORABLE ELIZABETH D. LAPORTE  
United States Magistrate Judge

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